

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KELLY N. PRYOR and	:	CIVIL ACTION
WARREN E. SPIVEY, JR.,	:	
Individually and on behalf of all others	:	NO. 00-3242
similarly situated,	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
NATIONAL COLLEGIATE ATHLETIC	:	
ASSOCIATION,	:	
Defendant.	:	

MEMORANDUM AND ORDER

Plaintiffs have filed a motion for reconsideration. The sentence they refer to on page 4 of their motion was poorly constructed, and is deleted. The following sentence replaces it:

“To establish liability against the NCAA, a plaintiff would have to prove by a preponderance of the evidence that the NCAA denied the waiver intentionally because of his race or disability.”

The plaintiffs’ motion contains essentially the same arguments it has been making in the many briefs already filed on the issue of class certification. The court has already carefully considered the respective positions of the parties.

An order follows:

AND NOW, this 6th day of April, 2004, upon consideration of plaintiff's motion for reconsideration (Docket No. 52), and defendant's response filed thereto, it is hereby **ORDERED** that said motion is DENIED.

BY THE COURT:

RONALD L. BUCKWALTER, S.J.